

# House File 247 - Introduced

HOUSE FILE 247

BY WESSEL-KROESCHELL

## A BILL FOR

1 An Act relating to elections by providing for the registration  
2 of eligible electors upon review of electronic records  
3 received from state agencies, providing for ongoing absentee  
4 voter status, and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

AUTOMATIC VOTER REGISTRATION

Section 1. Section 48A.7, Code 2017, is amended to read as follows:

**48A.7 Registration in person.**

An eligible elector may register to vote by appearing personally and completing a voter registration form at the office of the commissioner in the county in which the person resides, at a motor vehicle driver's license station, including any county treasurer's office that is participating in county issuance of driver's licenses under [chapter 321M](#), or at any voter registration agency. A For paper registration forms, a separate voter registration form shall be signed by each individual registrant.

Sec. 2. Section 48A.8, subsection 1, Code 2017, is amended to read as follows:

1. An eligible elector may request that a voter registration form be mailed to the elector. The completed form may be mailed or delivered by the registrant or the registrant's designee to the commissioner in the county where the person resides or to the state commissioner of elections for a program participant, as provided in [section 9E.6](#). A For paper registration forms, a separate voter registration form shall be signed by each individual registrant.

Sec. 3. Section 48A.18, subsections 1 and 3, Code 2017, are amended to read as follows:

1. Each state motor vehicle driver's license application, including any renewal application or application for a nonoperator's identification card, submitted to the office of driver services of the state department of transportation shall serve as an application for voter registration unless the commissioner of registration determines that the applicant is not an eligible elector or the applicant declines to register to vote after receiving notification under subsection 4A. A completed application or paper voter registration

1 form submitted to the office of driver services of the state  
2 department of transportation shall be considered to update any  
3 previous voter registration by the registrant.

4 3. Information relating to the ~~refusal~~ decision of an  
5 applicant for a driver's license to ~~apply~~ decline to register  
6 to vote shall not be used for any purpose other than voter  
7 registration.

8 Sec. 4. Section 48A.18, subsection 4, Code 2017, is amended  
9 by striking the subsection and inserting in lieu thereof the  
10 following:

11 4. *a.* The state voter registration commission shall  
12 establish schedules by which the department of transportation  
13 shall transmit to the state registrar of voters electronic  
14 records containing the legal name, age, residence, and  
15 citizenship information for, and the electronic signature of,  
16 each person submitting an application under this section.

17 *b.* The state voter registration commission shall establish  
18 schedules by which the state registrar of voters shall make  
19 accessible or transmit electronic records and electronic  
20 signatures received under paragraph "a" to the appropriate  
21 commissioner of registration.

22 *c.* The state voter registration commission shall establish  
23 schedules by which the department of transportation shall  
24 transmit any completed paper registration forms to the  
25 appropriate commissioner of registration.

26 *d.* The state commissioner of elections shall adopt rules,  
27 consistent with section 9E.6, for the registration of address  
28 confidentiality program participants.

29 *e.* The state voter registration commission shall adopt  
30 rules pursuant to chapter 17A to administer and interpret this  
31 section, including rules to establish electronic and paper  
32 forms and all procedures used by the office of driver services  
33 for voter registration purposes, rules to establish schedules  
34 for transmission of electronic records, electronic signatures,  
35 and completed paper voter registration forms, and rules and

1 forms to decline being registered to vote.

2     Sec. 5. Section 48A.18, Code 2017, is amended by adding the  
3 following new subsection:

4     NEW SUBSECTION. 4A. a. (1) Upon receiving the electronic  
5 record for, and electronic signature of, a person under  
6 subsection 4, the state registrar of voters shall transmit or  
7 otherwise make accessible the electronic record and electronic  
8 signature of the person to the commissioner of registration  
9 of the county where the person resides. Upon reviewing the  
10 electronic record received from the state registrar of voters,  
11 along with any other relevant information, the commissioner of  
12 registration shall determine if a person is an eligible elector  
13 of the county. If the commissioner determines that a person is  
14 an eligible elector of the county and is not registered to vote  
15 in that county, the commissioner shall notify the person of the  
16 separate processes to decline being registered to vote or to  
17 declare a political party affiliation.

18     (2) If the person is registered to vote in the county, the  
19 commissioner shall use the electronic record and information to  
20 update the person's voter registration if appropriate.

21     b. If a person notified under paragraph "a" does not decline  
22 to be registered to vote within twenty-one calendar days after  
23 the commissioner of registration issues the notification, the  
24 person's electronic record and electronic signature shall  
25 constitute a completed voter registration form under section  
26 48A.11, and the commissioner of registration shall register the  
27 person to vote in that county. The commissioner shall send an  
28 acknowledgment pursuant to section 48A.26.

29     c. A commissioner of registration shall not add a person  
30 subject to registration under this subsection to a voter  
31 registration list until at least twenty-one calendar days  
32 after the commissioner has issued notification to the person  
33 as described in paragraph "a".

34     d. The electronic record and electronic signature, received  
35 under this subsection, of a person who does not qualify

1 as an eligible elector shall not constitute a completed  
2 voter registration form under section 48A.11 and such a  
3 person's application for a driver's license or nonoperator's  
4 identification card shall not be considered to be a voter  
5 registration application for purposes of section 39A.2,  
6 subsection 1, paragraph "a".

7 Sec. 6. Section 48A.19, subsection 1, Code 2017, is amended  
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *d.* All state offices that have direct client  
10 contact that collect personal client information sufficient to  
11 complete a voter registration application, as determined by the  
12 state commissioner.

13 Sec. 7. Section 48A.19, subsection 4, paragraph a,  
14 unnumbered paragraph 1, Code 2017, is amended to read as  
15 follows:

16 The A voter registration agency that does not collect  
17 personal client information sufficient to complete a voter  
18 registration application shall provide a form to applicants  
19 that includes all of the following:

20 Sec. 8. Section 48A.21, Code 2017, is amended to read as  
21 follows:

22 **48A.21 Transmission of forms from agencies and driver's**  
23 **license stations.**

24 1. The state registrar of voters shall adopt administrative  
25 rules regulating the transmission of completed voter  
26 registration forms from voter registration agencies and from  
27 ~~driver's license stations, including county treasurer's offices~~  
28 ~~participating in county issuance of driver's licenses under~~  
29 ~~chapter 321M.~~ All completed voter registration applications  
30 in the possession of a voter registration agency, ~~a driver's~~  
31 ~~license station, or a county treasurer's office that is~~  
32 ~~participating in county issuance of driver's licenses at 5:00~~  
33 ~~p.m. on the last workday of each week shall be transmitted~~  
34 ~~to the location designated by the state registrar of voters~~  
35 ~~by rule. Procedures or requirements for more frequent~~

1 transmissions may be specified by rule.

2     2. a. The state voter registration commission shall  
3 establish schedules by which the voter registration agencies  
4 pursuant to section 48A.19 that collect personal client  
5 information sufficient to complete a voter registration  
6 application shall transmit to the state registrar of voters  
7 electronic records containing the legal name, age, residence,  
8 and citizenship information for, and the electronic signature  
9 of, each client providing personal client information as  
10 described in this section.

11     b. The state voter registration commission shall establish  
12 schedules by which the state registrar of voters shall make  
13 accessible or transmit electronic records and electronic  
14 signatures received under paragraph "a" to the appropriate  
15 commissioner of registration.

16     c. The state voter registration commission shall establish  
17 schedules by which voter registration agencies shall transmit  
18 any completed paper registration forms to the appropriate  
19 commissioner of registration.

20     d. The state commissioner of elections shall adopt rules,  
21 consistent with section 9E.6, for the registration of address  
22 confidentiality program participants.

23     e. The state voter registration commission shall adopt  
24 rules pursuant to chapter 17A to administer and interpret this  
25 section, including rules to establish electronic and paper  
26 forms and all procedures used by voter registration agencies  
27 for voter registration purposes, rules to establish schedules  
28 for transmission of electronic records, electronic signatures,  
29 and completed paper voter registration forms, and rules and  
30 forms to decline being registered to vote.

31     3. a. (1) Upon receiving the electronic record for, and  
32 electronic signature of, a person under subsection 2, the state  
33 registrar of voters shall transmit or otherwise make accessible  
34 the electronic record and electronic signature of the person to  
35 the commissioner of registration of the county where the person

1 resides. Upon reviewing the electronic record received from  
2 the state registrar of voters, along with any other relevant  
3 information, the commissioner of registration shall determine  
4 if a person is an eligible elector of the county. If the  
5 commissioner determines that a person is an eligible elector  
6 of the county and is not registered to vote in that county, the  
7 commissioner shall notify the person of the separate processes  
8 to decline being registered to vote or to declare a political  
9 party affiliation.

10 (2) If the person is registered to vote in the county, the  
11 commissioner shall use the electronic record and information to  
12 update the person's voter registration if appropriate.

13 b. If a person notified under paragraph "a" does not decline  
14 to be registered to vote within twenty-one calendar days after  
15 the commissioner of registration issues the notification, the  
16 person's electronic record and electronic signature shall  
17 constitute a completed voter registration form under section  
18 48A.11, and the commissioner of registration shall register the  
19 person to vote in that county. The commissioner shall send an  
20 acknowledgment pursuant to section 48A.26.

21 c. A commissioner of registration shall not add a person  
22 subject to registration under this subsection to a voter  
23 registration list until at least twenty-one calendar days  
24 after the commissioner has issued notification to the person  
25 as described in paragraph "a".

26 d. The electronic record and electronic signature, received  
27 under this subsection, of a person who does not qualify as  
28 an eligible elector shall not constitute a completed voter  
29 registration form under section 48A.11 and such a person shall  
30 not be considered to have submitted a voter registration  
31 application for purposes of section 39A.2, subsection 1,  
32 paragraph "a".

33 Sec. 9. Section 48A.26, subsection 1, paragraph b, Code  
34 2017, is amended to read as follows:

35 b. (1) For a voter registration form or change of

1 information in a voter registration record submitted at a  
2 precinct caucus, the commissioner shall send an acknowledgment  
3 within forty-five days of receipt of the form or change of  
4 information.

5 (2) For a voter registration application or change of  
6 information in a voter registration record completed pursuant  
7 to section 48A.18 or section 48A.19, the commissioner shall  
8 send an acknowledgment within seven working days of the person  
9 being registered under either section.

10 Sec. 10. Section 48A.26, subsection 8, Code 2017, is amended  
11 to read as follows:

12 8. ~~An~~ A completed voter registration application,  
13 improperly transmitted under section 48A.18, subsection  
14 4A, or under section 48A.21, subsection 2, or an improperly  
15 addressed or delivered registration form shall be transmitted  
16 or forwarded to the appropriate county commissioner of  
17 registration within two working days after it is received by  
18 any other official. The date of registration shall be the date  
19 the completed application or registration form was received by  
20 the first official. If the registration form was postmarked  
21 fifteen or more days before an election and the registration  
22 form was received by the first official after the close of  
23 registration, the registration form shall be considered on time  
24 for the election.

25 Sec. 11. Section 48A.36, subsection 1, Code 2017, is amended  
26 to read as follows:

27 1. ~~Voter registration agencies and the office of driver~~  
28 ~~services of the state department of transportation may~~  
29 ~~electronically transmit registration data to the state~~  
30 ~~registrar of voters, who shall distribute the information,~~  
31 ~~electronically or otherwise, to the appropriate commissioner~~  
32 ~~in accordance with rules of the state voter registration~~  
33 ~~commission and the state registrar of voters. The office of~~  
34 ~~driver services of the state department of transportation~~  
35 ~~and voter registration agencies that collect personal client~~



1 information sufficient to complete a voter registration  
 2 application shall electronically transmit registration data  
 3 to the state registrar of voters as required pursuant to  
 4 sections 48A.18 and 48A.21. The state agency originating  
 5 the registration data shall permanently retain an electronic  
 6 copy of the form completed by the registrant, including the  
 7 registrant's signature, and shall develop procedures for the  
 8 retrieval and printing of that electronic document. A printed  
 9 copy of an electronic registration document shall be made only  
 10 upon the agency's receipt of a court order.

11 Sec. 12. Section 331.557A, subsection 5, Code 2017, is  
 12 amended to read as follows:

13 5. Participate in voter registration according to the  
 14 terms of chapter 48A, and submit completed voter registration  
 15 forms to the ~~state registrar of voters~~ appropriate county  
 16 commissioner of registration.

17 Sec. 13. EMERGENCY RULES. The state voter registration  
 18 commission, in cooperation with the department of  
 19 transportation and voter registration agencies, may adopt  
 20 emergency rules under section 17A.4, subsection 3, and section  
 21 17A.5, subsection 2, paragraph "b", to implement the provisions  
 22 of this Act and the rules shall be effective immediately upon  
 23 filing unless a later date is specified in the rules. Any  
 24 rules adopted in accordance with this section shall also be  
 25 published as a notice of intended action as provided in section  
 26 17A.4.

27 Sec. 14. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
 28 3, shall not apply to this division of this Act.

29 Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this  
 30 Act, being deemed of immediate importance, takes effect upon  
 31 enactment.

## 32 DIVISION II

### 33 ONGOING ABSENTEE STATUS

34 Sec. 16. NEW SECTION. 53.4 **Ongoing absentee voter.**

35 A registered voter applying for an absentee ballot

1 under section 53.2 shall receive an absentee ballot for all  
 2 subsequent elections in which that person is eligible to vote  
 3 and qualifies under section 53.1, unless the registered voter  
 4 requests not to receive an absentee ballot for subsequent  
 5 elections. The state commissioner shall provide a check box  
 6 on the prescribed form for this purpose. For all subsequent  
 7 elections, the county commissioner of elections shall  
 8 automatically mail an absentee ballot to the requesting voter,  
 9 or automatically mail or deliver an absentee ballot if the  
 10 requester is a person voting pursuant to section 53.22. A  
 11 voter's status as an ongoing absentee voter shall be terminated  
 12 upon the request of the voter or by the county commissioner  
 13 if the voter fails to qualify under section 53.1 or if the  
 14 voter subsequently fails to vote in two consecutive general  
 15 elections.

#### 16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with  
 18 the explanation's substance by the members of the general assembly.

19 This bill relates to elections by providing for the  
 20 registration of eligible electors upon review of electronic  
 21 records received from state agencies and providing for ongoing  
 22 absentee voter status.

23 Division I of the bill relates to voter registration by  
 24 allowing registration of eligible electors to vote following  
 25 review of electronic records received from driver's license  
 26 and nonoperator's identification card applications by county  
 27 commissioners of registration (county auditors).

28 The bill requires that the office of driver services of the  
 29 department of transportation transmit to the state registrar of  
 30 voters (the secretary of state) electronic records containing  
 31 the legal name, age, residence, and citizenship information  
 32 for, and the electronic signature of, each person submitting  
 33 an application for a driver's license or nonoperator's  
 34 identification card, or any renewal application. Current Code  
 35 section 321.182 requires that an application for a license

1 or card include an applicant's full name, signature, current  
2 mailing address, current residential address, date of birth,  
3 social security number, and other information. Under current  
4 administrative rules of the state department of transportation,  
5 an applicant for a license or card is required to provide proof  
6 of lawful status in the United States. Also under current  
7 administrative rules, a person's signature for a driver's  
8 license or nonoperator's identification card application is  
9 required to be captured electronically. Under current law,  
10 a county treasurer's office participating in county issuance  
11 of driver's licenses is required to participate in voter  
12 registration to the same extent as a license facility of the  
13 state department of transportation.

14 The bill requires the state registrar of voters to transmit  
15 the electronic records and electronic signatures to the county  
16 commissioner of registration of the county where the person  
17 resides. The bill requires that the county commissioner review  
18 the electronic record and any other relevant information to  
19 determine if a person is an eligible elector. If the county  
20 commissioner determines a person to be an eligible elector  
21 and the person is not registered to vote in the county, the  
22 county commissioner is required to notify the person of the  
23 separate processes to decline to register to vote or to declare  
24 a political party affiliation. If a notified person fails to  
25 decline voter registration within 21 days after the county  
26 commissioner issued the notification, the bill provides that  
27 the electronic record and electronic signature shall constitute  
28 a completed voter registration form for that person and the  
29 bill requires the county commissioner to register the person to  
30 vote in that county and send the person an acknowledgment as  
31 required by current law.

32 The bill prohibits a county commissioner from adding a  
33 person's name to a voter registration list until at least 21  
34 days after the commissioner has issued notification to the  
35 person. The bill requires that a county commissioner send an

1 acknowledgment of registration within seven business days of  
2 registering a person under the bill. The bill also provides  
3 that the electronic record and electronic signature of a person  
4 who does not qualify as an eligible elector does not constitute  
5 a completed voter registration form. Under the bill, such a  
6 person submitting an application for a license or card will  
7 not be subject to charges for voter registration fraud under  
8 section 39A.2 for submitting such an application.

9 The bill also grants the state voter registration commission  
10 the authority to adopt rules to administer and interpret the  
11 provisions of the bill relating to voter registration at motor  
12 vehicle driver's license stations. If interpretive rulemaking  
13 authority is clearly vested in the discretion of an agency by  
14 statute, the applicable judicial standard of review is whether  
15 the rules constitute an irrational, illogical, or wholly  
16 unjustifiable interpretation of law by the agency (Code section  
17 17A.19(10)(1)). If interpretive rulemaking authority is not  
18 clearly vested in the discretion of an agency, the applicable  
19 judicial standard of review is whether the rules constitute an  
20 erroneous interpretation of law (Code section 17A.19(10)(c)).

21 The bill makes changes to current law related to address  
22 confidentiality program participants under Code chapter  
23 9E by requiring the state registrar to adopt rules for  
24 administration of registration for those participants. The  
25 bill maintains current law to allow for submission of a paper  
26 voter registration form through driver's license offices. The  
27 bill specifies that a requirement that separate registration  
28 forms be signed by each individual registrant only applies to  
29 paper registration forms. Under the bill, driver's license  
30 offices are required to transmit voter registration forms  
31 to the appropriate county commissioner and to transmit all  
32 electronic records and electronic signatures to the state  
33 registrar of voters.

34 Under current law, the state registrar of voters is  
35 required to establish rules regulating transmission of voter

1 registration forms from driver's license stations and voter  
2 registration agencies. Under the bill, such rules are required  
3 to be established by the state commission.

4 The bill makes corresponding changes requiring automatic  
5 voter registration be completed by other state agencies with  
6 direct client contact that collect personal client information  
7 sufficient to complete a voter registration application.

8 The bill provides that the state voter registration  
9 commission, in cooperation with the department of  
10 transportation and voter registration agencies, may adopt  
11 emergency rules to implement the provisions of the bill.

12 Division I of the bill may include a state mandate as defined  
13 in Code section 25B.3. The bill makes inapplicable Code  
14 section 25B.2, subsection 3, which would relieve a political  
15 subdivision from complying with a state mandate if funding for  
16 the cost of the state mandate is not provided or specified.  
17 Therefore, political subdivisions are required to comply with  
18 any state mandate included in the bill.

19 Division I of the bill takes effect upon enactment.

20 Division II of the bill requires that an absentee voter  
21 receive absentee ballots for all subsequent elections without  
22 having to reapply before each election unless the registered  
23 voter requests not to receive an absentee ballot for subsequent  
24 elections. A person's status as an ongoing absentee voter can  
25 be terminated by that person, by the county commissioner of  
26 elections if the person fails to qualify as an absentee voter,  
27 or if the voter subsequently fails to vote in two consecutive  
28 general elections.